

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF HERMINE MAUTNER and RICHARD K.  
MAUTNER,

Plaintiffs,

**O R D E R**

- against -

19 Civ. 2742 (NRB)

THE ALVIN H. GLICK IRREVOCABLE GRANTOR  
TRUST, ALVIN H. GLICK, RANDY E. GLICK,  
JASON GLICK, 76-77 STREET & THIRD AVENUE  
LLC, and 1329-37 THIRD AVENUE LLC,

Defendants,

-----X  
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

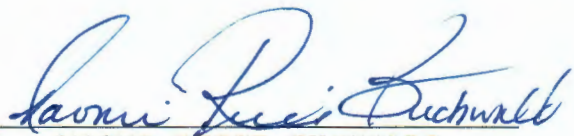
On November 25, 2019, the Court dismissed plaintiffs' amended complaint with prejudice. See Estate of Mautner v. Alvin H. Glick Irrevocable Grantor Trust, 19 Civ. 2742 (NRB), 2019 WL 6311520 (S.D.N.Y. Nov. 25, 2019). On December 9, 2019, the Court extended the deadline for defendants to file a motion for attorneys' fees and costs to December 30, 2019. See ECF No. 53. On December 23, 2019, the Court extended the deadlines for plaintiffs to file a notice of appeal to January 15, 2020 and for defendants to file a motion for attorneys' fees and costs to January 16, 2020. See ECF Nos. 55 & 57. On January 15, 2020, plaintiffs filed a notice of appeal. See ECF No. 58. On January 16, 2020, defendants filed a motion for attorneys' fees and costs. See ECF No. 59.

"The filing of a notice of appeal is an event of

jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (per curiam). "However, notwithstanding a pending appeal, a district court retains residual jurisdiction over collateral matters, including claims for attorneys' fees." Tancredi v. Metro. Life Ins. Co., 378 F.3d 220, 225 (2d Cir. 2004). Accordingly, "'if an appeal on the merits of the case is taken, the district court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) [of Federal Rule of Civil Procedure 54] a new period for filing after the appeal has been resolved.'" Id. at 225-26 (internal alterations and emphasis deleted) (quoting Fed. R. Civ. P. 54(d) advisory committee's note (1993)).

The Court denies defendants' motion for attorneys' fees and costs without prejudice to refile it within thirty days after the Second Circuit resolves plaintiffs' appeal. Fed. R. Civ. P. 54(d)(2)(B). The Clerk of Court is respectfully directed to terminate the motion pending at docket entry 59.

Dated: New York, New York  
January 21, 2020

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE